

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE
HOWARD C. BERMAN, JQC NO.
00-211

CASE NO. SC00-2491

EMERGENCY MOTION OF HOWARD C. BERMAN
FOR CONTINUANCE OF HEARING

HOWARD C. BERMAN ("Judge Berman"), by and through undersigned counsel, moves for an Order of the Judicial Qualifications Commission ("JQC") postponing the hearing currently scheduled to begin on Monday, September 10, 2001, on the following grounds:

1. Bettye King is one of the counsel for Judge Berman. Ms. King's mother was admitted to St. Joseph's Hospital in Tampa, Florida, on Monday, August 27, 2001, late in the afternoon, with an extremely high fever of 104.8. On Tuesday, August 28, 2001, while still in the hospital, with the fever not under control, she suffered a heart attack. At the time this motion is being prepared, she is currently undergoing catheterization at St. Joseph's Hospital and it is undetermined at the present time what her prognosis is or how long she will be hospitalized. Ms. King has announced that as long as her mother is hospitalized, she will be unable to participate in the preparation of this matter for trial and that if her mother continues to be hospitalized, she will be unable to attend the hearing the week of September 10, 2001. Further, she will not be able to devote any time to the preparation of this matter for hearing.

2. Ms. King is and has been responsible for three of the four principal witnesses who are being called to testify against Judge Berman together with a number of the other witnesses, both to be presented by the JQC and to be presented on behalf of Judge Berman.

3. Because of the current uncertainty with regard to Ms. King's mother's health and Ms. King's unavailability to participate in the preparation of this matter for trial and because of the assignments of the attorneys as set forth in more detail in the attached Affidavits of Attorneys Richardson and Stubbs and Judge Berman, Judge Berman does not believe that his matter can be adequately prepared or presented without the participation of Ms. King.

4. As stated in the Affidavit of Judge Berman, this motion is not made for the purpose of delay. The motion is filed in order that the issue may be timely addressed.

5. Judge Berman respectfully requests that this motion be handled on an expedited basis for the benefit of the members of the JQC panel, himself and his counsel, and the witnesses for both sides of this proceeding.

6. Counsel for the JQC has indicated that she does not oppose this motion.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail to the persons on the attached Service List this ____ day of August, 2001.

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